

## EXPLANATORY MEMORANDUM TO

# THE DESIGNATED TEACHER (LOOKED AFTER PUPILS etc) (ENGLAND) REGULATIONS 2009

2009 No. 1538

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before the House of Commons by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments and the Select Committee on Statutory Instruments.

## 2. Description

- 2.1 These regulations require the governing body of a maintained school (which means a community, foundation, voluntary aided, voluntary controlled, community, foundation special school and maintained nursery school) to ensure that the person designated by them as having responsibility for promoting the educational achievement of looked after children at school (“the designated teacher”) has the prescribed qualifications or experience (or both). The designated teacher must be either:
  - 2.1.1 a qualified teacher who has successfully completed the induction period, as required and who is working as a teacher at the school;
  - 2.1.2 the head teacher or acting head teacher; or
  - 2.1.3 a person who has been carrying out the role of the designated teacher for at least six months before the regulations come into force and who is taking steps to become a qualified teacher and is likely to be so qualified by 1 September 2012.
- 2.2 The purpose of the regulations is to ensure that the designated teacher has the range of skills and knowledge needed to ensure that teaching and learning arrangements for looked after children at the school focus on promoting educational achievement.
- 2.3 Research published by the Social Exclusion Unit in 2003<sup>1</sup> indicated that most schools had a designated member of staff for looked after children, in accordance with existing (non-statutory) guidance. The person appointed to this role, however, was not always a teacher and there were wide variations between schools regarding the status and effectiveness of this role. In order to ensure that there is a greater consistency in how this role is performed in schools the Government decided that it should be done by a qualified teacher, head teacher or acting head teacher.
- 2.4 The Department recognises, however, that there may be some members of staff who are undertaking this role effectively at present who are not qualified teachers. To reduce disruption to the way in which schools organise this role the regulations allow the governing body to appoint a designated member of staff who is not yet a qualified teacher but who has been undertaking the duties of promoting the educational achievement of looked after children for at least six months before the regulations come into force, is taking steps to become a qualified teacher and is likely to have qualified and completed their induction period by September 2012.

## 3. Matters of special interest to the Joint Committee on Statutory Instruments

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<sup>1</sup> *A better education for children in care*, Social Exclusion Unit, 2003

3.1 None.

#### **4. Legislative Background**

4.1 Section 20 of the Children and Young Persons Act 2008 (“the Act”) requires the governing body of a maintained school to appoint a designated person to promote the educational achievement of looked after children who are registered pupils at the school. These regulations are made under powers given to the Secretary of State for Children, Schools and Families under section 20(3) of the Act to prescribe the qualifications or experience (or both) that the designated person must have.

#### **5. Territorial Extent and Application**

5.1 This instrument applies to the governing bodies of maintained schools in England only.

#### **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

#### **7. Policy background**

7.1 As a group, looked after children achieve significantly poorer educational outcomes than all children. In 2008 only 14% achieved 5 or more GCSEs at grades A\*-C. The reasons for this are complex and include factors such as instability of care and school placements; too much time spent out of school and insufficient help with their education when they fall behind; their unmet emotional, mental and physical health needs; and the fact that their primary carers are often not equipped or expected to support and encourage their learning and development. As a result of the often complex needs of looked after children, there are usually several adults who have different interests in the child’s care and upbringing and this makes communication, particularly with schools, more complicated. Many schools do not have a looked after child on roll or have only one or two. As a result, when a looked after child is admitted the school may not have sufficient understanding about the care system, the particular needs of this vulnerable group of children and how best to work with their carers and the authority that looks after the child to address their teaching and learning needs.

7.2 To tackle these problems, non-statutory guidance was issued in 2000 which recommended that all schools appoint a designated teacher to hold a watching brief on looked after children on the school’s roll, to act as a champion for their educational attainment and as a source of advice and expertise for other staff about the particular challenges faced by looked after children. The guidance also set out the important role of the designated teacher in contributing to the development of the child’s Personal Education Plan (PEP), which is part of the child’s statutory Care Plan.

7.3 During consultation on the Care Matters green paper children and young people expressed mixed views on the current effectiveness of designated teachers and some did not even know they existed. However, there was wide support for the role from professionals who felt that much could be learned from schools which already had designated teachers in place. They nevertheless felt that it was important that whoever undertook the role should have sufficient authority to be able to bring about change. The role of the designated teacher was endorsed by members of the post-green paper Best Practice in Schools working group. Nearly half of respondents to the consultation thought that the designated teacher was well placed to liaise between the looked after child, his/her carers and various professionals and agencies involved in the child’s care. On the basis of the consultation the Government placed before Parliament legislative proposals, now section 20 of the Children and Young Persons Act 2008, to require the governing bodies of maintained schools to designate a member of staff as having

responsibility for promoting the educational achievement of looked after children at the school.

- 7.4 In spite of some progress in GCSE outcomes at grades A\*-C for looked after children since 2000 (from 7% to 14%) the gap between their achievement and that of all children is widening. To re-emphasise the central importance of the quality of teaching and learning for looked after children the Government made a commitment during the passage of the then Children and Young Persons Bill that the role of the designated person should be performed by a qualified teacher. The regulations therefore require the role to be undertaken by a qualified teacher, a head teacher or acting head teacher or by a person who has been undertaking the role for six months prior to the regulations coming into force and who is likely to gain qualified teacher status by September 2012.
- 7.5 While a number of amendments were tabled during the passage of the Bill which would have specified in primary legislation that the role should be performed by a qualified teacher, the Government maintained its position – set out when the Bill was published in 2007 - that it was more appropriate to make provision for this through Regulations. The rationale for this was to provide greater legislative flexibility to amend requirements about the qualifications and/or experience of the designated person in the light of evolving workforce developments and changing circumstances within schools.
- 7.6 The regulations will be of interest to schools and local authorities and fostering agencies but are not likely to generate much media interest.

## **8 Consultation outcome**

- 8.1 Consultation on the draft regulations ran from 25 February to 20 May 2009. 130 responses were received in total, which included 41 from local authorities, 18 from head teachers, 20 from designated teachers in secondary schools and 13 from designated teachers in primary schools. Five school governors responded. Among the organisations which submitted responses were OfSTED and the main teaching unions, namely NASUWT, Association of Teachers and Lecturers and the Association of College and School Lecturers and key voluntary sector organisations such as the National Children's Bureau and Voice.
- 8.2 The consultation asked whether the regulations clearly set out what was expected in relation to the qualifications and experience of the designated teacher. Of the 123 respondents who answered this question, 109 (89%) said that the regulations were clear in what they expected, 9 responses (7%) said they were not clear and 5 (4%) were unsure. The consultation also asked whether the principles about the seniority and experience of the designated teacher which underpinned the regulations were right. Of the 125 respondents to this question 94 (75%) said that they were right, 20 (16%) said that they were not and 11 (9%) were not sure.
- 8.3 Of those who indicated that the regulations were not clear on the expectations of the designated teacher and the principles about their seniority and experience which underpinned them, the main reason given was the inclusion of Regulation 3(3). Regulation 3(3) allows a governing body to appoint a member of staff to the role of designated teacher where that person has been undertaking that role six months prior to the regulations coming into force and where it is likely that they will gain qualified teacher status by September 2012. This provision has been included in regulations to allow schools a period of transition where the person currently performing the role effectively but is not yet a qualified teacher has a chance to qualify. However, some respondents have taken this provision to be a watering down of the commitment given during the passage of the Children and Young Persons Act that the role would be undertaken by a teacher. The explanatory note makes it clear that regulation 3(3) applies only where the person appointed is likely to gain qualified teacher status and is a transitional provision.

8.4 The intention to lay regulations setting out the qualifications and/or experience expected of the designated teacher was set out in a policy statement published in November 2007 alongside the then Children and Young Persons Bill. No concerns have been raised during the consultation in relation to the proposed timing of the Designated Teacher (Looked After Pupils etc) (England) Regulations 2009 coming into force.

## **9 Guidance**

9.1 DCSF intends to issue statutory guidance to school governing bodies under section 20(4) of the Act. This will set out how we expect school governing bodies to exercise their functions relating to the appointment of the designated teacher. The guidance will also provide information on the scope of the designated teacher role and responsibilities, including in relation to the development of the child's personal education plan. The personal education plan forms part of the care plan which local authorities must have in place for each child they look after. Information about the making of the regulations and where to find the statutory guidance will be included in the fortnightly e-bulletin to schools and the weekly email to local authorities as well as being posted on the Teachernet website.

## **10 Impact**

10.1 An Impact Assessment is attached to this memorandum.

10.2 We do not expect that making the designated teacher a statutory role in schools will have any significant cost implications for local authorities or schools. Between 2009-2011 the Government is making £3.3 million available per annum to meet the costs of training needs based on the assumption that around one third of designated teachers will need training each year.

## **11 Regulating small businesses and voluntary sector organisations**

11.1 The legislation does not apply to small businesses or voluntary sector organisations.

## **12 Monitoring and review**

12.1 The transition phase will be complete in September 2012 when all designated teachers in maintained schools will be required to be qualified teachers, head teachers or acting head teachers. We propose to monitor the impact of the designated teacher role through the annual Ministerial stock-take of the reforms implemented through Care Matters to assess the impact on outcomes for looked after children. We also intend to draw on the evidence from OfSTED inspection reports.

## **13 Contact**

Michael Allured at the Department for Children, Schools and Families, Tel: 0207 783 8081 or e-mail: [michael.allured@dcsf.gsi.gov.uk](mailto:michael.allured@dcsf.gsi.gov.uk) can answer any queries regarding the instrument.

## Summary: Intervention & Options

<b>Department /Agency:</b>  <b>DCSF</b>	<b>Title:</b> <b>Impact Assessment of regulations/guidance on qualifications/ experience &amp; role of designated teacher for LAC</b>	
<b>Stage:</b> Final	<b>Version:</b> 1	<b>Date:</b> 1 June 2009
<b>Related Publications:</b> 'Care Matters: Time for Change' and Children and Young Persons Act 2008 (section 20)		

**Available to view or download at:**

<http://www.dcsf.gov.uk/publications/timeforchange/>

**Contact for enquiries:** Michael Allured

**Telephone:** 020 7783 8081

**What is the problem under consideration? Why is government intervention necessary?**

As a group, looked after children (LAC) achieve significantly poorer educational outcomes than their peers. Looked after children themselves may not recognise this risk or the consequences for their adult outcomes. Thus, they are unlikely to access special educational help privately through the market. Also, credit constraints make it unlikely that they could afford to. This is inequitable, as these children will be denied educational opportunities that other children enjoy. Further, society loses the wider economic and social benefits of these children fulfilling their educational potential.

**What are the policy objectives and the intended effects?**

By having a designated person (who we shall specify through regulations must be a teacher) to promote the educational achievement of looked after children on the school roll will provide a strategic and operational focus through one person to champion the teaching and learning needs of these children. We expect this role to lead to a greater focus in school on the educational needs of looked after children, better understanding of how to support them and improved relationships between schools, social workers and carers - all key for creating a culture of promoting the education of LAC.

**What policy options have been considered? Please justify any preferred option.**

Three options have been considered:

- 1) making no policy change
- 2) putting the role on a statutory footing but specifying it had to be done by a teacher.
- 3) Putting the role on a statutory footing but not specifying it had to be done by a teacher.

Ministers decided on option 2 given the significant teaching and learning challenges involved in

**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?** Through the annual Ministerial stocktake of Care Matters commitments scheduled for November 2009. Also through work with Government Offices and via OfSTED inspections of LAs and schools post 2010

**Ministerial Sign-off** For final proposal/implementation stage Impact Assessments:

*I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.*

Signed by the responsible Minister:

*Delyth Morgan* .....Date: 19th June 2009

## Summary: Analysis & Evidence

<b>Policy Option:</b>	<b>Description:</b>
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<b>COSTS</b>	<b>ANNUAL COSTS</b>	Description and scale of <b>key monetised costs</b> by 'main affected groups' No associated costs with putting the role of the designated teacher on a statutory footing. The role has existed since 2000. However, to support training designated teachers extra funding of £3.3 million p.a. 2009-2011 is being made available based on an assumed supply cover cost of £200 per day.			
	<b>One-off</b> (Transition) <span style="float: right;">Yrs</span>		£ 0		
	<b>Average Annual Cost</b> (excluding one-off)		£ 3,300,000		
			<b>Total Cost (PV)</b>	<b>£ 6,488,460</b>	
Other <b>key non-monetised costs</b> by 'main affected groups'					

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>	Description and scale of <b>key monetised benefits</b> by 'main affected groups' The impacts are not easily monetised. Given the lifetime returns to 5 A*-C GCSE grades compared to no GCSEs (£45,000), the benefits would outweigh the total costs if 144 extra looked after children gained 5 GCSE grades at C or above-an average of around 1 child per LA.			
	<b>One-off</b> <span style="float: right;">Yrs</span>		£ 0		
	<b>Average Annual Benefit</b> (excluding one-off)		£ 3,300,000		
			<b>Total Benefit (PV)</b>	<b>£ 6,488,460</b>	
Other <b>key non-monetised benefits</b> by 'main affected groups' The estimate above is conservative. The extra number of looked after children gaining 5 A*-C GCSEs are, as a result, more likely to obtain further qualifications with higher financial returns. It also does not capture the non-financial benefits of education to the individual and society (e.g better health).					

**Key Assumptions/Sensitivities/Risks** Putting the designated teacher on a statutory footing will improve the service which already exists by raising the profile of the needs of looked after children on the school roll. There is a risk that schools don't take up training existing but the funding we are providing to pay for cover should encourage them to do so.

Price Base Year 2009	Time Period Years 2	<b>Net Benefit Range (NPV)</b> £	<b>NET BENEFIT (NPV Best estimate)</b> £
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What is the geographic coverage of the policy/option?	England			
On what date will the policy be implemented?	September 2009			
Which organisation(s) will enforce the policy?	NA			
What is the total annual cost of enforcement for these organisations?	£ NA			
Does enforcement comply with Hampton principles?	Yes/No			
Will implementation go beyond minimum EU requirements?	Yes/No			
What is the value of the proposed offsetting measure per year?	£ 0			
What is the value of changes in greenhouse gas emissions?	£ 0			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)			(Increase - Decrease)
Increase of £	Decrease of £	<b>Net Impact</b>	£

Key: Annual costs and benefits: Constant Prices (Net) Present Value

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

### Background and rationale

1. Outcomes for looked after children are strikingly poor. For example, in 2007:
  - 13% of looked after children gained five GCSEs A\*-C compared to 62% of all children.
  - Only 64% of looked after children achieved at least 1 GCSE at A\*-G compared to 99% of all children.
  - 46% of looked after children achieved level 4 in English at Key Stage 2 compared to 80% for all children.
  - 44% of looked after children achieved level 4 in mathematics at Key Stage 2 compared to 77% of all children.
  - 29% of former care leavers were not in education, employment or training at 19 compared with 13% of all young people.
2. The factors that contribute to these poor outcomes are complex, reflecting the children's pre-care experiences and personal needs. For example:
  - 62% of children looked after are in care because of abuse or neglect, which has a profound effect on a child's ability to engage in education.
  - 45% of 5-17 year olds in care are assessed as having a mental health disorder according to a 2003 ONS survey. This is four times higher than for other children.
  - 28% of looked after children have a statement of special educational needs compared to 3% of the population and if those on school and school action plus are taken into account the number with some form of special needs is around 60%.
3. Because of the complexity of the looked after population and the number of professional adults involved in providing support for them communications between social workers, foster carers and schools can be poor, particularly where children move placements and schools. This contributes to a lack of understanding among professionals about what needs to happen to ensure that education is seen as a priority for looked after children. Designated teachers therefore provide an important link between the school, the child's social worker and others involved in the child's care arrangements.

4. Non statutory guidance issued in 2000 recommended that all schools should appoint a designated teacher to hold a watching brief on looked after children on the school's roll, to act as a champion for the educational attainment of looked after children and as a source of advice and expertise for other staff. The guidance also set out the important role of the designated teacher in contributing to the development of the child's Personal Education Plan (PEP) which forms part of his/her overall Care Plan.
5. A report by the Social Exclusion Unit (SEU) published in 2003 indicated that most schools had a designated teacher but that there was a somewhat mixed economy of provision. In some schools the role was undertaken by teachers; in other instances it was provided by those performing a more pastoral role.
6. During consultation on the *Care Matters* green paper children and young people expressed mixed views on the current effectiveness of designated teachers and some did not even know they existed. There was wide support for the role expressed from professionals who felt that much could be learned from schools which already had designated teachers in place. They felt, however, that it was important that whoever undertook the role should have sufficient authority to be able to bring about change. The designated teacher proposal was also endorsed by members of the post-Green Paper working group on Best Practice in Schools Working Group chaired by Dame Pat Collarbone. Our conversations with children showed that they do not feel that schools always understand their needs and that sometimes this can result in them being singled out or bullied. Nearly half of respondents to the consultation thought that the designated teacher role was well placed for liaising between the looked after child, his/her carer and various professionals and agencies involved in the child's care. It was thought that the designated teacher could fulfil a pastoral role for the child i.e. maintaining regular contact to talk through any difficulties, discussing their learning and reviewing their personal education plan. Respondents felt that they should also keep lines of communication open between school and home by keeping the child's carer apprised of their progress, flagging up any issues and discussing ways to resolve them.
7. In view of this and to ensure more consistency in the quality and effectiveness of the service delivered by designated teachers the Government took forward its proposal to legislate to put the role of the designated teacher onto a statutory footing. We shall use the statutory guidance to emphasise that the designated teacher has a key role to ensure that there is a clear focus on teaching and learning needs of looked after children on roll. It will say that the school governing body will need to ensure that the designated teacher has the appropriate training needed to carry out the role and the support needed to carry out or arrange to have carried out, for example, with appropriate use of support staff, functions such as ensuring that the child's personal education plan is up to date and available for his/her statutory review.
8. Given the central importance which Ministers attach to the quality of teaching and learning experienced by looked after children and the relationship that has to the standards they achieve, the Government has decided that the role should be carried out by a qualified teacher, head teacher or acting head teacher.
9. Section 20 of the Children and Young Persons Act 2008 places a duty on the governing body of a maintained school to designate a member of the staff at the school as having responsibility for promoting the educational achievement of looked after children who are registered pupils at the school. Section 20(3) gives the appropriate national authority to make regulations about the qualifications and or experience expected of the designated person. The Education (Designated Member of Staff for Pupils Looked After by a Local Authority) (England) Regulations 2008 therefore specify that the designated person should be: a) a qualified teacher, the head teacher or acting head teacher or that the person has been co-ordinating provision for looked after children on the school's roll for six months prior to the Regulations coming into force and that the governing body is satisfied that the designated person is taking



steps to become a qualified teacher and has a reasonable chance of meeting this requirement by September 2012.

### Options considered

10. Three options have been considered:

- i) Making no policy change (i.e. reiterating that it is good practice for schools to have a designated teacher but not making it a statutory requirement).
- ii) Putting the role on a statutory footing and requiring it to be performed by a qualified teacher.
- iii) Putting the role on a statutory footing but not specifying it had to be done by a teacher.

11. Ministers decided to make the role statutory and to require that it should be undertaken by a teacher (**option ii**). This option was selected for the following reasons:

- a. In spite of guidance about the importance of the role being around since 2000 there continues to be a lack of understanding and communications among schools and social workers about the impact of being looked after on education. This is particularly the case in relation to the respective roles of the local authority and school in developing and implementing the child's personal education plan. However, the success of designated teachers where schools and local authorities operate this function is the basis for putting the role on a statutory footing because of improvements in communication and understanding about the education of looked after children.
- b. Educational outcomes for looked after children have improved (from 7% in 2000 to 13% in 2007). We need outcomes to improve at a faster rate.
- c. Provision in relation to the status of the designated teacher's role is patchy. By specifying that the role should be carried out by a teacher there would be a sharper focus on teaching and learning issues and not exclusively or mainly on coordination of or involvement in day-to-day pastoral issues.

12. In relation to **option (i)** conversations with children showed that they do not feel that schools always understand their needs and that sometimes being looked after can result in their being singled out or bullied. According to the Social Exclusion Unit report *A Better Education for Children in Care* (2003), while most schools had a member of staff undertaking this role universal provision was variable in terms of the time, status and ability to influence. Given the very poor outcomes of looked after children and that they are eight times more likely to be excluded than their peers it is important that Government finds ways to give looked after children better support in schools. Putting the role of the designated teacher on a statutory footing sends a strong signal to schools about the importance of making sure that they did their best to help them realise their ambitions without making them feel stigmatised.

13. In relation to options ii and iii, we weighted up the advantages and disadvantages of whether or not the role of the designated person should be required to be a teacher. Government wants the role of the designated teacher to have a core focus on teaching and learning. As part of informal consultation with teachers they have commented that it is vital that the role is carried out by a teacher to ensure that the person has sufficient authority to ensure, for example, that personal education plans are maintained. While structures in schools are changing post the Workforce Agreement it is still true that in some cases only teachers have

authority in a school. Given this is a national role it is vital that the role has universal status in all schools. It will, of course, still be for schools to decide how to deliver the various aspects of the role: the designated teacher will lead but may delegate tasks to others such as teaching assistants.

### **Consultation outcome**

14. Consultation on the draft regulations prescribing that the designated member of staff appointed by the school's governing body had to be a qualified teacher or head teacher or acting head teacher asked if these principles were right. Those who disagreed (16%) said that the requirement cut across the school workforce agreement which allowed for others to undertake a range of activities which were not about teaching and learning, the core task of qualified teachers. However, of the 125 respondents (including local authorities and head teachers) to this question 94 (75%) said that they were in agreement with what the regulations proposed.

### **Costings**

15. We do not expect that making the designated teacher a statutory role in schools will have any significant cost implications on local authorities. Local authorities have a duty on local authorities to promote the educational achievement of looked after children (section 22(3)(a) of the Children Act 1989) and guidance issued under section 7 of the Social Services Act 1970 which they must act under says that they should ensure there is training provided for designated teachers. We know from the education of looked after children education regional networks that local authorities already provide such training.
16. To support training costs of making the role statutory, £3.3 million p.a. over the period 2009-2011 is being made available. This is based on the number of maintained schools in each local authority and the assumption that the designated person in each school will receive two day's training. Not every designated teacher will need training every year. Costs of training are based on around one third of designated teachers having training each year.
17. While local authorities may operate a general policy of charging for courses they will often provide courses free of charge in areas which are a strategic priority. All local authorities have a statutory duty to promote the educational achievement of looked after children and must also set annual targets for Key Stage 2 and Key Stage 4 in relation to the attainment of the children they look after. We know that they already provide training for designated teachers because they see it as a priority that schools have a proper understanding of the needs of looked after children and the role of the local authority as their corporate parent. Increasingly a multi-professional approach is being adopted with joint training provision for social workers and designated teachers. There will not, therefore, be any significant additional costs. On the basis of a third of teachers taking up training two days training annually the cost of supply cover at £200 per day comes to £2.8 million p.a., which leaves £500,000 split across LAs to top-up costs of training they already provide.

### **Benefits of putting the role of designated teacher on a statutory footing**

#### **Lifetime earnings**

18. Local authorities have had a specific duty to promote the educational achievement of children they look after since 2004 but hitherto there has been no requirement on schools in relation to the designated teacher role. The designated teacher has an important role in what more schools can do to promote the educational achievement of looked after children on the school's roll.

19. On average, the additional lifetime earnings associated with gaining 5 GCSEs at A\*-C compared to no GCSEs is £45,000.
20. In order for the benefit of the Children and Young Persons Act provisions to outweigh the costs of what it is proposing would require only around 144 looked after children who currently get no GCSEs or equivalent to instead get five or more GCSEs at A\*-C grades – an average of around one child per local authority.

### **Improved communications between schools, local authorities and social workers**

21. As a result of putting the role of the designated teacher on a statutory footing and setting out in broad terms the role and responsibilities of the position in statutory guidance we expect there to be an enhanced level of understanding and communication between professional involved in supporting the educational achievement of looked after children.

### **Increased value for money in provision of local services**

22. There are benefits in relation to public expenditure savings. Research has shown that looked after children of compulsory school age tend to incur greater costs due to the proportion who attend more expensive types of provision. One study estimates that the public expenditure saving on education if looked after children had the same incidence of types of educational provision as all children is £2,780 per child. On the basis that there are around 60,000 children looked after at any one time this could lead to savings of a maximum of £168 million.
23. Jackson and Martin (1998, 1998b and 2002) found that factors most strongly associated with later educational success for looked after children were: stability and continuity of school and home placements – where possible remaining in the same school when a placement change is unavoidable; regular school attendance; a significant adult (not necessary a parent or carer) who offered consistent support and encouragement was identified as an important factor for high achieving care leavers.
24. With the increased focus on the role of the designated teacher we estimate that:
  - there is likely to be an impact in relation to the understanding of the educational needs of looked after children and better communication between the school, social worker and foster carer.
  - there will be a marked improvement in the quality of personal education plans for looked after children and in discussions which take place about the child's educational needs.
  - the improved focus on teaching and learning needs of looked after children in school will lead to better outcomes at Key Stage 2 and Key Stage 4.

25. The increase in lifetime earnings of someone who, as a result of a policy intervention, gains 5+ GCSEs A\* to C is estimated using the assumptions and sources below:

- All analyses based on Labour Force Survey data (LFS) for 2004 and 2005 (pooled) for England only
- Working age span of 18-64 years for males and 18-59 years for females
- A comparison group which pools together those with no qualifications and those with below L2 qualifications as their highest qualification level [source: internal analysis]
- 2% Real Earnings growth. Page 25, Paragraph 5.44, Bullet 3, Footnote 7 of *The Green Book (2003)*.
- 25% Non-wage labour costs, the additional cost of employment.
- 3.5% Discount Rate for the first 30 years, 3.0% thereafter as per HMT's *The Green Book (2003)*. The discount rate has been included in the calculation so that lifetime earnings are given in NPV terms.

### **Review and evaluation of impact**

The main ways in which we shall evaluate the impact of the designated teacher role will be through the annual Ministerial stocktake of Care Matters commitments scheduled for November 2009. We shall seek information specifically from local authorities and schools as well as young people about the impact the role is having. We will monitor impact on standards through our ongoing PSA delivery arrangements. We shall also be able to gather information on the impact of the designated teacher through Government Office networks, including local authority virtual school heads. The impact of the role of the designated teacher in relation to standards of attainment for looked after children will also be monitored through consideration of OfSTED inspections of local authorities and schools.

As a result of the information gathered on how well the designated teacher is impacting on provision and standards of achievement we shall review implementation strategies as follows:

- Use the findings to disseminate best practice to maximise the impact on local authority looked after children targets;
- Identify gaps in training and support;
- develop practice guidance in the light of experiences as necessary.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

